

ORDINANCE NO. 06-23

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES
ENTITLED "FIRE PREVENTION AND PROTECTION" BY
ADDING SECTION 30-1 TO ESTABLISH FALSE ALARM
FEES; BY ADDING SECTIONS 30-2 THROUGH 30-8 TO
SET FORTH REGULATIONS PERTAINING TO FALSE
ALARMS; BY ADDING SECTION 30-9 TO PROVIDE FOR
A SCHEDULE OF PERMIT FEES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE

WHEREAS, the City Commission finds the establishment and
imposition of fire fees would serve to promote the health, safety
and welfare of the citizens of Key West; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That section 30-1 is hereby added to the Code
of Ordinances as follows:

Section 30-1. Fees for false alarms and fire code inspections.

Fees shall be charged for false fire alarms in accordance with
the provisions of sections 30-2 to 30-8, herein. Fees shall be
charged to the property owner for yearly fire prevention code
inspections and reinspections performed on structures, buildings,
or occupancies by the fire department in the amounts set forth in
section 30-9, herein.

Section 2: That section 30-2 is hereby added to the Code of Ordinances as follows:

Section 30-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm user means any person occupying or controlling the premises of an occupancy that is protected by an automatic fire detection system.

Automatic fire detection system means any system employing heat detectors, smoke detectors, flame detectors or waterflow alarm elements for the purpose of detecting and automatically transmitting an alarm of fire.

Central station system means a system or group of systems in which the operation of circuits and devices are signaled automatically to, recorded in, maintained and supervised from an approved central station having competent and experienced observers and operators who, upon receipt of a signal, notify the fire department and take such other action as is required by the fire prevention code of the city.

Central station systems contractor means a person, firm or corporation whose principal business is the furnishing and

maintaining of a supervised signaling service known as a central station system.

False alarm signal means the transmission of a fire alarm signal indicating a fire emergency requiring the immediate response of a fire rescue department engine company or companies when a fire emergency does not exist and no evidence thereof is apparent to the senior fire rescue department officer arriving on the scene.

Occupancy means the purpose for which a building or portion thereof is used or intended to be used; any building or complex of buildings which because of the nature of the occupancy or size of the building is regulated by the fire prevention code of the city.

Owner means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by entirety of the whole or of a part of a building or land.

Section 3: That section 30-3 is hereby added to the Code of Ordinances as follows:

Section 30-3. Private fire detection, protection systems; identification decal.

Installations and maintenance of fire detection, protection systems that are required by local or state law shall be undertaken and completed according to local or state law, and permitted accordingly. Each private fire detection and or protection system

permit holder shall be issued a systems decal by the city license department. This decal shall be displayed in a conspicuous place visible to the outside of the premises covered by the permit.

Section 4: That section 30-4 is hereby added to the Code of Ordinances as follows:

Sec. 30-4. Prior to installation of alarm system.

Installations of alarms that are required by local or state law shall be undertaken and completed according to local or state law. Prior to installation, the following information shall be submitted to the fire prevention bureau and building department:

1. Name, address, and telephone number of the system's user.
2. Address and telephone number of the system's user's premises or building to be served by the system.
3. The name, address, and telephone number of the person or persons in charge of the premises or building served by the system.
4. The name, address, and telephone number of the person or entity monitoring the system.
5. With respect to permitting, a complete application shall be submitted to the Building Department for review and approval by the Fire Marshal.

Section 5: That section 30-5 is hereby added to the Code of Ordinances as follows:

Sec. 30-5. Excessive false alarms declared a public nuisance.

The transmission of more than three (3) alarms signals by an automatic fire detection system protecting any occupancy within a twelve-month period of time is excessive and constitutes a serious public nuisance, and is hereby declared to be unlawful and a violation of this section. No person shall allow, permit, cause, or fail to prevent the transmission, for any reason, by an automatic fire detection system used by him, or any such system serving a premises or a building occupied and controlled by such person, of more than three (3) false alarms signals within any twelve-month period.

Section 6: That section 30-6 is hereby added to the Code of Ordinances as follows:

Sec. 30-6. False alarm signal service charge; collection.

For response to excessive false alarms signals by the fire department, the alarm user shall be charged a service fee by the city of Key West of twenty-five dollars (\$25.00) for the fourth false alarm signal in any 12-month period; fifty dollars (\$50.00) for the fifth false alarm signal in any 12-month period; and one

hundred dollars (\$100.00) for the sixth and each successive false alarm signal in any 12-month period. The provisions of this section shall not apply for a period of three months from the date a permit is issued by the City for the installation of an automatic fire detection system. The Fire Chief or his or her designee shall determine whether a false alarm system signal has been transmitted and the frequency of such alarm signals, and the City shall notify alarm users of amounts owed to the City. In the event of nonpayment, the City may proceed with suit in a court of competent jurisdiction.

Section 7: That section 30-7 is hereby added to the Code of Ordinances as follows:

Sec. 30-7. Responsibility of central station system contractor to report fire alarm signals.

Nothing in this article shall be deemed to relieve a central station systems contractor of the responsibility of promptly reporting all automatic fire detection signals signaling a fire alarm from an occupancy supervised by it to the Key West Fire Department.

Section 8: That section 30-8 is hereby added to the Code of Ordinances as follows:

Sec. 30-8. Automatic fire detection system to be supervised as required by the fire department.

It shall be unlawful and a violation of this article for any person to supervise an automatic fire detection system in a manner other than prescribed in the Florida Fire Prevention Code.

Section 9: That section 30-9 is hereby added to the Code of Ordinances as follows:

Section 30-9. Schedule of permit fees.

The Office of the Fire Marshal shall charge and collect for the various permits required by the Florida Fire Prevention Code, as adopted by reference in section 30-57 and made part of the ordinances of the city, as follows:

(a) Plans Review

(1) Commercial (other than one and two family residential) buildings (including balconies, porches, additions, and garages, and accessory buildings):

a. For each \$1,000.00 of value, or fractional part thereof, of enclosed space\$ 0.50

b. Minimum fee\$75.00

(2) New structures (other than buildings) including water towers, radio towers, water plants, cisterns, seawalls, docks, above ground fuel storage tanks, below-ground fuel storage tanks (including commercial LPG tanks):

a. For each \$1000.00 of value, or
fractional part thereof \$ 0.50

b. Minimum fee\$75.00

(3) Repairs, renovations, or remodeling to building;

a. For each \$1,000.00 of estimated cost or
fractional part thereof\$ 0.50

b. Minimum fee\$75.00

(b) Applications.

(1) Development Review Committee Applications.\$50.00

(2) Application to Board of Adjustment
Zone Variance)\$50.00

(c) Inspections.

(1) Annual Inspections.

(Occupancy use as defined in the most current and
adopted Florida Fire Prevention Code 2001 (FFBC 2001) and Florida
Building Code 2001 (FBC 2001)).

a. Apartments - Condominiums - Transient and
Non-transient.

i. 5 - 11 Units\$ 35.00

ii. 12 -24 Units\$ 55.00

iii. 25 - 100 Units\$ 75.00

iv. Over 100 Units\$125.00

- b. Assembly.
 - 1. All\$ 50.00
- c. Business.
 - i. Under 1,000 sf\$ 25.00
 - ii. 1,000 - 5,000 SF\$ 50.00
 - iii. 5,000 - 10,000 SF\$ 75.00
 - iv. Over 10,000 SF\$125.00
- d. Day Care.
 - i. Nursery - Pre-K\$ 50.00
 - ii. Adult\$ 50.00
- e. Educational, Public and Private.
 - i. Instructional areas\$ 50.00
 - ii. Administration areasSame as
Business
 - iii. Storage areas.Same as
Mercantile-Storage
 - iv. Food ServiceSame as
Private Fire Detection
and Protection Systems
(i. and ii.)
 - v. Repair facilitiesSame as
Mercantile-Storage

- f. Fuel Storage and Delivery Facilities.
 - i. All above ground fuel tanks. ...\$ 75.00
 - ii. Delivery Facilities
 - Motor Vehicles\$ 75.00
 - Marina - Boat Yards\$ 75.00

- g. Health Care.
 - i. Hospital\$ 50.00
 - ii. Nursing Home / Convalescent
 - Center\$ 50.00

- h. Marina-Boat Yards.
 - i. 3 - 10 slips\$ 50.00
 - ii. 10 - 20 slips\$ 90.00
 - iii. 20 - 50 slips\$180.00
 - iv. Over 50 slips\$ 5.00 per slip

- i. Mercantile - Storage - Repair Facilities.
 - i. Under 1,000 sf\$ 25.00
 - ii. 1,000 - 5,000 sf\$ 50.00
 - iii. 5,000 - 10,000 sf\$ 75.00
 - iv. 10,000 - 20,000 sf\$100.00
 - v. Over 20,000 sf\$125.00

- (2) Business Tax License Renewal Inspection.
 - a. Annual\$25.00
 - b. License transfer\$15.00
 - c. Adult Congregate Living Facility
(ACLF)\$50.00

- (3) Temporary Structures.
 - a. 1 - 3 Structures (per structure) ...\$ 35.00
 - b. 4 - 50 Structures (per structure) ..\$ 10.00
 - c. Over 50 Structures (per structure) . \$ 20.00

(The maximum fee for fire code inspection of temporary structures, with cooking facilities or portable electric power generation, at any one event, shall not exceed \$2,000.00.)

- (4) Private Fire Detection and Protection Systems
 - a. Mechanical exhaust (NFPA96) \$50.00
 - b. Fixed Fire Protection (NFPA 17) ... \$50.00
 - c. Automatic/Manual fire detection
(NFPA 72,101)\$25.00
 - d. Automatic fire sprinklers (NFPA 13,13D,
13R,231)\$50.00
 - e. Fire standpipe systems \$50.00
 - f. Fire Pump\$25.00
 - g. Fire Wells \$25.00 per well

Section 10. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 11. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 12. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 8 day of November, 2006.

Read and passed on final reading at a regular meeting held this 21 day of November, 2006.

Authenticated by the presiding officer and Clerk of the Commission on 22 day of November, 2006.

Filed with the Clerk November 22, 2006.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK